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6 *Attorneys for Defendant Superfish, Inc.*

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
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18 DAVID HUNTER, individually, and on  
behalf of all others similarly situated,

19 *Plaintiff,*

20 v.

21 LENOVO (UNITED STATES), INC., a  
22 Delaware corporation, and SUPERFISH, INC., a  
23 Delaware corporation,

24 Defendants.  
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Case No.: 5:15-cv-00819-TO Y

**STIPULATION FOR CONTINUANCE  
OF TIME FOR DEFENDANTS TO  
RESPOND TO COMPLAINT AND  
[] ORDER**

1 WHEREAS the above-referenced Plaintiff filed the above-captioned case;

2 WHEREAS 21 other complaints have been filed to-date in federal district courts  
3 throughout the United States by Plaintiffs purporting to bring consumer class actions on behalf of  
4 purchasers of computers manufactured by Defendant Lenovo (United States), Inc. ("Lenovo")  
5 containing software manufactured by Defendant Superfish, Inc. ("Superfish") (collectively,  
6 including the above-captioned matter, the "*In re Lenovo Adware Litig.* cases");

7 WHEREAS a motion is pending before the Judicial Panel on Multidistrict Litigation  
8 ("JPML") to transfer the *In re Lenovo Adware Litig.* cases for coordinated and consolidated  
9 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407 ("MDL Motion"), and has not yet been set  
10 for hearing before the JPML;

11 WHEREAS the MDL Motion is not on the docket for the JPML's upcoming hearing  
12 session, scheduled for March 26, 2015, and the next hearing session is scheduled for May 28,  
13 2015;

14 WHEREAS the parties anticipate that one or more consolidated complaints will be filed  
15 following transfer and consolidation of the *In re Lenovo Adware Litig.* cases;

16 WHEREAS Plaintiff and Defendants Superfish and Lenovo have agreed that an orderly  
17 schedule for any response to the pleadings in the *In re Lenovo Adware Litig.* cases would be more  
18 efficient for the parties and for the Court;

19 WHEREAS Plaintiff agrees that the deadline for Defendants Superfish and Lenovo to  
20 answer, move, or otherwise respond to his complaint shall be extended until forty-five days after  
21 the JPML issues an order deciding the MDL Motion, or as otherwise ordered by the MDL  
22 transferee Court if the MDL Motion is granted;

23 WHEREAS Plaintiff and Defendants agree that preservation of evidence in the case is  
24 vital, that Defendants have received litigation hold letters, that they are complying with and will  
25 continue to comply with all of their evidence preservation obligations under governing law;

26 WHEREAS, in light of the pending MDL Motion, the parties have agreed that the parties'  
27 obligations under Federal Rules of Civil Procedure 16 and 26(f) and any other pending deadlines  
28 shall be stayed until further order from the Court or the MDL transferee Court if the MDL Motion

1 is granted;

2 WHEREAS this Stipulation does not constitute a waiver by the parties of any of their  
3 respective claims, defenses or any other rights or positions they may have with respect to the  
4 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of  
5 subject matter jurisdiction, improper venue, sufficiency of process or service of process;

6 Now, therefore, pursuant to Local Rule 7-12, Plaintiff and Defendants, by and through  
7 their respective counsel of record, hereby stipulate as follows:

8 1. The deadline for Defendants Superfish and Lenovo to answer, move, or otherwise  
9 respond to the complaint shall be extended until forty-five days after the JPML issues an order  
10 deciding the MDL Motion, or as otherwise ordered by the MDL transferee Court if the MDL  
11 Motion is granted;

12 2. The parties' obligations under Federal Rules of Civil Procedure 16 and 26(f) and  
13 any other pending deadlines—whether set by the Local Rules of this District, the Federal Rules of  
14 Civil Procedure, an order of this Court, or otherwise—shall be stayed until further order from the  
15 Court or the MDL transferee Court if the MDL Motion is granted.

16 3. This Stipulation does not constitute a waiver by the parties of any of their  
17 respective claims, defenses or any other rights or positions they may have with respect to the  
18 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of  
19 subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

20 4. The parties agree that they are complying with and will continue to comply with  
21 all evidentiary preservation obligations under governing law.

22 5. Nothing herein precludes any of the parties from moving to lift the stay prior to the  
23 extended deadlines requested herein.

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Dated: March 19, 2015

By: /s/ Rodger R. Cole

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/1/15

*Ronald M. Whyte*

Honorable Tqpcrf 'O 0'Y j { vg  
United States F krtlev Judge

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